

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN TRAVIS MOLLIVER,	:	
Plaintiff	:	
v.	:	Case No. 3:23-cv-82-KAP
ADAM INGRAM, <i>et al.</i> ,	:	
Defendants	:	

Memorandum Order

Plaintiff Molliver filed the complaint in this matter in May 2023 while he was in custody at S.C.I. Pine Grove serving a 2-4 year sentence imposed in February 2022 in Blair County at Commonwealth v. Molliver, CP-07-CR-483-2021 (C.P. Blair). The complaint is the second civil complaint in this court concerning an incident at the Blair County Prison shortly before plaintiff was sentenced, in which according to plaintiff there was an excessive use of force against him and in which according to the Commonwealth plaintiff committed aggravated assault on a corrections officer. The Commonwealth filed new criminal charges in an information at Commonwealth v. Molliver, CP-07-CR-327-2022 (C.P. Blair) at about the same time that Molliver was filing the first civil complaint in this court at Molliver v. Stitt, Case No. 3:22-cv-146-KAP (W.D.Pa.).

Molliver served his entire sentence in CP-07-CR-483-2021 and was released in early 2024, and his complaint in Case No. 3:22-cv-146-KAP was tried to verdict in May 2024. Plaintiff then provided the necessary service paperwork for this complaint, which in essence alleges malicious prosecution on the part of two corrections officers at the Blair County Prison and an officer of the Hollidaysburg Borough Police Department, who allegedly prosecuted Molliver CP-07-CR-327-2022 to cover up the corrections officers' excessive use of force.

While Case No. 3:22-cv-146-KAP was being scheduled for trial the new criminal charges in Commonwealth v. Molliver, CP-07-CR-327-2022 appeared to have simply stopped: Molliver had filed a *pro se* appeal from the denial of some motion, the Superior Court quashed that appeal *sua sponte* in February 2023 and nothing had happened in Blair County for more than a year until Molliver (who appears to be proceeding *pro se* with standby counsel from the Public Defender's Office) filed a motion to quash the information in CP-07-CR-327-2022 in April 2024. That still has not been ruled on. The next event, according to the public docket sheet, is a "trial list review" at the end of this month.

After screening this matter pursuant to the Prison Litigation Reform Act, it is obvious that the outcome of the charges in CP-07-CR-327-2022 is going to fundamentally affect this complaint. It makes no sense to go forward with this matter while events that

may have preclusive effect in this court have yet to take place in state court. The problem is that, based on the record to date, that may take some time. I therefore order the Marshal to serve the complaint on the defendants so that they have notice of this suit, but I also am staying this matter until the end of the proceedings in CP-07-CR-327-2022, including any trial and direct appeal. Defendants need not answer the complaint until plaintiff notifies this court that the proceedings in CP-07-CR-327-2022 are completed.

The Marshal shall serve the complaint on defendants at the direction of the plaintiff (the Marshal shall send waiver of service forms first). Since the plaintiff is proceeding *in forma pauperis*, costs of service will be advanced by the United States.



DATE: July 8, 2024

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Keith A. Pesto,  
United States Magistrate Judge

Notice by U.S. Mail to:

John T. Molliver  
1276 Westloop Road  
Hollidaysburg, PA 16648